

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00124-02

ALBERT SIMS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On July 5, 2012, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Albert Sims, appeared in person and by his counsel, David O. Schles, for a hearing on the petition on supervised release submitted by United States Probation Officer Joseph Black, the defendant having commenced a thirty-month term of supervised release in this action on December 7, 2011, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on December 7, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court

found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant failed to follow the directions of the probation officer inasmuch as on December 8, 2011, he was directed to report to the probation department in Detroit, Michigan, upon arrival of his flight from Charleston, West Virginia, which he failed to do, rendering his whereabouts unknown until December 15, 2011, when he was directed to report on December 16, 2011, which he failed to do that day or any day thereafter; and (2) that the defendant failed to notify the probation officer of his contact with the police on December 10, 2011, when he was stopped for a traffic violation and issued a citation by the Dearborn, Michigan, Police Department; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

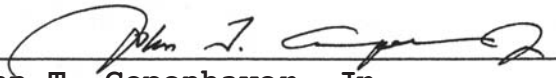
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of TWENTY-FIVE (25) MONTHS of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he pay the entirety of the \$100 special assessment and \$1,000 fine on or before March 10, 2013.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 9, 2012

  
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John T. Copenhaver, Jr.  
United States District Judge